



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Ninth Regular Session

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11:00 A.M.

TUESDAY, October 27, 2009

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The Senate met.

The Senate was called to order by President Risser.

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### CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 32.

Absent – None.

Absent with leave – 1 – Senator Vinehout.

The Senate stood for the prayer which was offered by Linda Ketcham, Executive Director of Madison–Area Urban Ministry.

“Please join me in prayer and meditation. God of many names, we give thanks for this day. We ask that you to be with this legislative body as its members come together, representatives of the people of this state, not corporations or political parties, but the people. People of all faith traditions and people with no faith tradition, people of all races, creeds and nationalities, women, children, and men, people of all ages and orientations, people with disabilities seen and unseen, people of every economic status, people who are homeless, people struggling to keep their homes, people with healthcare and people without healthcare, those who are employed and those seeking work.

We pray for wisdom and guidance in the deliberations of these elected representatives. Here today may every one of us be reminded of our highest aspirations. Inspire each of us to bring our gifts of love and service to all of humanity. Remind us that we are not isolated beings, that we are connected in mystery, in miracle, connected to each other, to our community and to the universe.

Help us to be mindful of our own frailties and failings. Help us to remember that each of us will in our lifetime make mistakes so that we not exclude the opportunity for forgiveness in our deliberations or legislation. We pray that our efforts are worthy of your call to us and of the people of Wisconsin.

God, today and everyday we thank you for the lives of U.S. Army Staff Sgt. Jeremy Dale Vrooman and of Lance Corporal Dean Opicka. Be with their families as they grieve. Comfort them and love them. Be with Jeremy and Dean’s families in their sorrow, be with them in the rising and the setting of the sun

as they remember them, be with them in the rustling of autumn leaves, the falling snow, and the budding trees, as they remember them. Each child is born with a divine spark to offer to the world. We give thanks for the divine spark that lived in Dean Opicka and in Jeremy Vrooman. We give thanks for their lives and for their gift of love to family, friends and country.

Amen.”

The Senate remained standing and Senator Kanavas led the Senate in the pledge of allegiance to the flag of the United States of America.

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### LEAVES OF ABSENCE

Senator Decker, with unanimous consent, asked that Senator Vinehout be granted a leave of absence for today’s session.

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### CHIEF CLERK’S ENTRIES

#### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 290** offered by Senator Hansen.

Senate amendment 1 to **Senate Bill 366** offered by Senator Coggs.

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#### SENATE ENROLLED PROPOSALS

The Chief Clerk records:

**Senate Bill 188**  
**Senate Bill 280**  
**Senate Bill 288**  
**Senate Bill 299**  
**Senate Bill 309**  
**Senate Bill 310**  
**Senate Bill 311**

Report correctly enrolled on 10–27–2009.

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#### BILLS PRESENTED TO THE GOVERNOR

The Chief Clerk records:

**Senate Bill 123**  
**Senate Bill 188**  
**Senate Bill 309**  
**Senate Bill 310**  
**Senate Bill 311**

Presented to the Governor on 10–27–2009.

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**INTRODUCTION, FIRST READING, AND  
REFERENCE OF PROPOSALS**

Read first time and referred:

**Senate Bill 368**

Relating to: medical use of marijuana, the regulation of marijuana distribution organizations, requiring the exercise of rule-making authority, making appropriations, and providing a penalty.

By Senators Erpenbach, Taylor and Miller; cosponsored by Representatives Pocan, Black, Roys, Hilgenberg, Berceau, Parisi, Kessler, Zepnick, Danou, Pope-Roberts, Grigsby, Pasch, Toles and Sherman.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

**Senate Bill 369**

Relating to: appellate time limits and procedure.

By Senator Taylor; cosponsored by Representative Hebl, by request of Wisconsin Judicial Council.

To committee on **Senate Organization.**

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**REPORT OF COMMITTEES**

The committee on **Ethics Reform and Government Operations** reports and recommends:

**Assembly Bill 209**

Relating to: authorizing a county to provide assistance to a nonprofit organization that provides assistance to certain individuals.

Concurrence.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.

Noes, 0 – None.

**Senate Bill 236**

Relating to: electronic filing of campaign finance reports.

Passage.

Ayes, 5 – Senators Risser, Robson, Kreitlow, Ellis and A. Lasee.

Noes, 0 – None.

*FRED RISSER*  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

Pursuant to Senate Rule 17 (5), Senator Jauch added as a coauthor of **Senate Joint Resolution 45.**

Pursuant to Senate Rule 17 (5), Senator A. Lasee added as a coauthor of **Senate Bill 215.**

Pursuant to Senate Rule 17 (5), Senator Coggs added as a cosponsor of **Assembly Bill 172.**

Pursuant to Senate Rule 17 (5), Senator Wirch added as a cosponsor of **Assembly Bill 281.**

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**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**2009 SENATE BILL 299**

Prepared by the Legislative Reference Bureau  
(October 27, 2009)

In enrolling, the following correction was made:

Items 9 and 10 of senate amendment 1 were not given effect because they were superseded by item 1 of senate amendment 3.

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**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**2009 SENATE JOINT RESOLUTION 50**

Prepared by the Legislative Reference Bureau  
(October 27, 2009)

1. Page 1, line 12: delete “lived” and substitute “loved”.
2. Page 2, line 12: after “Sue Vrooman” insert “; his mother Lori Donahue; his wife and children Latrecia, Xavier, and Jade; his uncle Loren Vrooman; and his brothers Brad and Justin Vrooman”.

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**CONSIDERATION OF MOTIONS,  
RESOLUTIONS, AND JOINT RESOLUTIONS NOT  
REQUIRING A THIRD READING**

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 52** be withdrawn and taken up at this time.

**Senate Joint Resolution 52**

Relating to: the life and public service of Ernest Paul Sobotta.

Adopted.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 52.**

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 48** be withdrawn and taken up at this time.

**Senate Joint Resolution 48**

Relating to: the life and military service of Lance Corporal Dean Opicka.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 48.**

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 50** be withdrawn and taken up at this time.

**Senate Joint Resolution 50**

Relating to: the life and military service of U.S. Army Staff Sgt. Jeremy Dale Vrooman.

Adopted by unanimous rising vote.

Senator Decker, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 50.**

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

**Senate Joint Resolution 48**  
**Senate Joint Resolution 50**  
**Senate Joint Resolution 52**

Messaged.

Senator Decker, with unanimous consent, asked that the Senate recess until 12:05 P.M.

11:16 A.M.

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**RECESS**

12:05 P.M.

The Senate reconvened.

President Risser in the chair.

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Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 53** be withdrawn from the committee on **Senate Organization** and taken up at this time.

**Senate Joint Resolution 53**

Relating to: honoring the life and public service of Joseph P. Mettner.

Senator Plale, with unanimous consent, asked that all members of the Senate be made coauthors of **Senate Joint Resolution 53**.

Adopted.

**Senate Joint Resolution 45**

Relating to: calling on the Wisconsin congressional delegation to take action to grandfather preexisting highway weight limits upon the designation of USH 41 as part of the Dwight D. Eisenhower system of interstate and defense highways.

Adopted.

**Senate Joint Resolution 51**

Relating to: proclaiming October 2009 as Breast Cancer Awareness Month.

Adopted.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

- Senate Joint Resolution 45**
- Senate Joint Resolution 51**
- Senate Joint Resolution 53**

Messaged.

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**SECOND READING AMENDMENT OF  
SENATE JOINT RESOLUTIONS  
AND SENATE BILLS**

**Senate Bill 93**

Relating to: partially exempting an assessor and an assessor's staff from liability for trespassing, creating immunity from civil liability, and changing the notice requirements related to the revaluation of property by an assessor.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 136** be withdrawn from the committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** and taken up at this time.

**Assembly Bill 136**

Relating to: partially exempting an assessor and an assessor's staff from liability for trespassing, creating immunity from civil liability, and changing the notice requirements related to the revaluation of property by an assessor.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 136**

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Jauch, Kapanke, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 25.

Noes – Senators Hopper, Kanavas, Kedzie, A. Lasee, Lazich, Leibham and Schultz – 7.

Absent or not voting – Senator Vinehout – 1.

Concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 93** be laid on the table.

**Senate Bill 132**

Relating to: expanding the life of a tax incremental district in the city of Racine.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 132**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 132**

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Erpenbach, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 27.

Noes – Senators Ellis, S. Fitzgerald, Grothman, Lazich and Schultz – 5.

Absent or not voting – Senator Vinehout – 1.

Passed.

**Senate Bill 147**

Relating to: administration of grant funds under the county-tribal cooperative law enforcement program.

Read a second time.

Senator Decker, with unanimous consent, asked that **Assembly Bill 211** be withdrawn from the committee on

**Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing** and taken up at this time.

**Assembly Bill 211**

Relating to: administration of grant funds under the county-tribal cooperative law enforcement program.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 211**

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that **Senate Bill 147** be laid on the table.

**Senate Bill 148**

Relating to: liability for actions of tribal law enforcement officers when enforcing state laws.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 148**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 148**

Read a third time and passed.

**Senate Bill 215**

Relating to: a personal property tax exemption for snowmobile clubs.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 215**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 215**

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

Ayes – Senators Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirth – 31.

Noes – Senator Carpenter – 1.

Absent or not voting – Senator Vinehout – 1.

Passed.

**Senate Bill 242**

Relating to: creating separate regulatory requirements for certain future service contracts.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 242**

Read a third time and passed.

**Senate Bill 251**

Relating to: costs of transporting by ferry an arrested person.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 251**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 251**

Read a third time and passed.

**Senate Bill 262**

Relating to: an exemption from recording for time-share licenses.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 262**

Read a third time and passed.

**Senate Bill 264**

Relating to: trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate substitute amendment 1 to **Senate Bill 264**?

Adopted.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 264**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 264**

Read a third time and passed.

**Senate Bill 300**

Relating to: certain areas of land subject to managed forest land orders that were part of a parcel of land under single ownership that exceeded 8,000 acres in size.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 300**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 300**

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Ellis, Erpenbach, Hansen, Holperin, Jauch, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor and Wirch – 23.

Noes – Senators Cowles, Darling, S. Fitzgerald, Grothman, Harsdorf, Hopper, Kanavas, Kapanke and Lazich – 9.

Absent or not voting – Senator Vinehout – 1.

Passed.

#### **Senate Bill 347**

Relating to: requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; specifying certain placements for purposes of calculating how long a child has been placed outside the home for purposes of filing a termination of parental rights petition; and permitting disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 347**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 347**

Read a third time and passed.

#### **Senate Bill 361**

Relating to: the monthly rates that are paid for foster care; the levels of care that a foster home may provide; licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on the receipt of kinship care payments; and licensing of foster homes across county lines.

Read a second time.

The question was: Adoption of Senate amendment 1 to Senate amendment 1 to **Senate Bill 361**?

Adopted.

The question was: Adoption of Senate amendment 1 to **Senate Bill 361**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 361**

Read a third time and passed.

Senator Decker, with unanimous consent, asked that **Senate Bill 369** be withdrawn from the committee on **Senate Organization** and taken up at this time.

#### **Senate Bill 369**

Relating to: appellate time limits and procedure.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 369**

Read a third time and passed.

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### **SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS**

#### **Assembly Bill 8**

Relating to: municipal quotas for retail intoxicating liquor licenses.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Assembly Bill 8**

Read a third time and concurred in.

#### **Assembly Bill 153**

Relating to: membership of the State Fair Park Board.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 153**

Read a third time and concurred in.

**Assembly Bill 172**

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 172**

Read a third time.

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Decker, Ellis, Erpenbach, Hansen, Holperin, Hopper, Jauch, Kreitlow, Lassa, Lehman, Miller, Plale, Risser, Robson, Sullivan, Taylor and Wirch – 20.

Noes – Senators Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kapanke, Kedzie, A. Lasee, Lazich, Leibham, Olsen and Schultz – 12.

Absent or not voting – Senator Vinehout – 1.

Concurred in.

**Assembly Bill 281**

Relating to: the restriction on the amount of phosphorus in certain cleaning agents.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

**Assembly Bill 281**

Read a third time and concurred in.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

- Senate Bill 132**
- Senate Bill 148**
- Senate Bill 215**
- Senate Bill 242**
- Senate Bill 251**
- Senate Bill 262**
- Senate Bill 264**
- Senate Bill 300**
- Senate Bill 347**
- Senate Bill 361**
- Senate Bill 369**
- Assembly Bill 8**
- Assembly Bill 136**
- Assembly Bill 153**
- Assembly Bill 172**
- Assembly Bill 211**
- Assembly Bill 281**

Messaged.

**ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the eleven students who currently hold internship positions in her office. They are a major asset to the Senator’s office; without them, she would not be able to do all that she does. Senator Taylor would like to thank the following: Jill Hoiting, Rachel Schwarz, Julie Benkoske, Jinny Kim, Nathan Marks, Max Schlusberg, Ian Targovnik, Cate Heath, Jessi Polsky, Aaron Zimmerman, and Soly Moustafa.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of fallen hero, Staff Sgt. Jeremy Vrooman, and his family. Recognizing our courageous fallen heroes and their family members, who have sacrificed so very much, is perhaps the most important acknowledgement that we perform in this body. Senator Jauch would like to adjourn today in honor of SSG Jeremy Vrooman, and express his deepest respect and appreciation for his courageous sacrifice for this country. Senator Jauch would like to particularly recognize his family who were here with us today: his mother Lori Donahue, grandmother Audrey Watzek, father and stepmother Bruce and Sue Vrooman, uncle Loren Vrooman, cousin Amber Christensen and, unable to attend today; his wife, Latrecia Vrooman, and their two children Xavier and Jade Vrooman. Senator Jauch adjourns today in their honor, in appreciation for the sacrifice that they experience each and every day.

Senator Sullivan, with unanimous consent, asked that when the Senate adjourn, it do so in memory of Tim Doyle of Milwaukee, who died on Sunday, October 25, 2009 of heart failure at the young age of 49. Tim graduated from Christ King Grade School in Wauwatosa where he made many friendships that have lasted to this day, including Senate Assistant Chief Clerk Jeff Renk. Tim graduated from Marquette High School and the University of Wisconsin–Milwaukee. He was an avid Brewers and Packers fan who enjoyed going to the games. He was quick with his wit and had a quirky sense of humor and will be missed by his many friends and family.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Dominic Gentile.

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**ADJOURNMENT**

Senator Hansen, with unanimous consent, asked that the Senate adjourn until Thursday, October 29, 2009.

1:21 P.M.

Adjourned.

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**MESSAGES FROM THE ASSEMBLY**

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

**Assembly Joint Resolution 74**

**Assembly Joint Resolution 77**

Concurred in:

**Senate Joint Resolution 48**

**Senate Joint Resolution 50**  
**Senate Joint Resolution 52**  
**Senate Joint Resolution 53**

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**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Joint Resolution 74**

Relating to: designating each October as hydrocephalus awareness month.

By Representative Vukmir; cosponsored by Senator Darling.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 77**

Relating to: Pancreatic Cancer Awareness Month.

By Representatives Pope–Roberts, Kleefisch, Berceau, Vruwink, Seidel, Sherman, Kerkman, Pasch, M. Williams, Vos, Turner, Hebl, Staskunas, Young, Gunderson, Zigmunt, Jorgensen, Soletski, Hintz, Mason, Knodl, Sinicki, Grigsby, Kaufert, Benedict, Petrowski, Ripp, A. Ott and Hraychuck; cosponsored by Senators Erpenbach, Hopper, Miller, Cowles, Holperin, Vinehout, Leibham, Schultz, Darling, Lehman, Coggs, Olsen, Taylor, Kedzie, Risser, Robson, Wirch, Lazich and Carpenter.

Read and referred to committee on **Senate Organization**.